



Patent  
Attorney's Docket No. 000409-046

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) Group Art Unit: 2636  
Morio Sakai et al. )  
Application No.: 10/623,622 ) Examiner:  
Filed: July 22, 2003 ) Confirmation No.: 5038  
For: OCCUPANT DETERMINING )  
DEVICE )  
)  
)

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability recently issued in connection with the above-identified application was accompanied by an Examiner's Statement of Reasons for Allowance. The Statement indicates that the claims in this application are allowable because the prior art does not disclose an occupant determining device comprising the claimed combination of features including

a controller for calculating a load value on a seat to sense an occupant wherein an occupant state is switched to an adult determination state when a time delay elapses after detected load value has exceeded a first threshold and the controller sets a shorter delay time when detected load value exceeds a first threshold value within a set time after the detected load exceeds a second determination threshold.

Applicants object to this statement at least to the extent it is intended to imply that all of the independent claims in this application include the verbatim wording set forth in the Statement. It is noted, for example, that independent Claim 3 does not

recite that the controller sets a shorter delay time when the detected load value exceeds a first threshold within a set time after the detected load exceeds a second determination threshold. Rather, Claim 3 recites that "the controller sets the delaying time shorter when the detected load value exceeds the first determination threshold under the occupant-being determination state."

It is thus submitted that the comments in the Statement should not be interpreted to mean that the claims in this application recite anything different than that which is set forth in the respective claims.

Should the Examiner have any concerns regarding the comments set forth above, or should any other questions arise in connection with this matter, the undersigned respectfully requests that he be contacted at the number.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date:

Feb 16, 2005

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